

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MEETING MINUTES**

June 21, 2012

1. CALL TO ORDER

Chair Burks called the meeting to order at 12:12 p.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 244, Sacramento, California 95814.

The off-site meeting location for teleconference was Communities Actively Living Independent and Free, 634 South Spring Street, 2nd Floor, Los Angeles, California 90014.

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present: Rocky Burks, Chair
Richard Luehrs (Teleconference)
Lillibeth Navarro (Teleconference)

Commissioners Absent: Michael Dean

Committee Members Present: Jennifer Richard

Staff Present: Angela Jemmott, Program Analyst
Lavonia Wade, Office Administrator

Also Present: Lindsay Scott-Florez, Policy Consultant, Senate Office
of Research (Teleconference)
Theresa Taylor-Carroll

Staff Member Jemmott announced a quorum was present.

2. APPROVAL OF MEETING MINUTES (MAY 17, 2012) – ACTION

MOTION: Commissioner Navarro moved to approve the May 17, 2012, Meeting Minutes. Chair Burks seconded. Motion carried unanimously with one abstention.

3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

No public comment.

4. REPORT FROM CCDA COMMITTEE ACTIVITIES

a. Checklist for Access Compliance Committee

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Chair Burks stated the CCDA website has been updated with the Division of the State Architect's (DSA) comprehensive checklist of Code under Title 24 chapters 11a and 11b, which identifies the requirements that existed with the Americans with Disabilities Act and current state accessibility regulations prior to the adoption and implementation of the new Americans with Disabilities Act-Architectural Barriers Act (ADA-ABA) requirements that took effect March 15, 2012.

He noted this checklist is outdated, which is part of the problem with checklists regarding Code coordination. He asked staff to add a notation to the website that the checklist does not include the new requirements per the March ADA-ABA amendment. He also asked staff to add a reference to the United States Access Board for the ADA-ABA guidelines.

b. Access Enhancement Committee

Commissioner Navarro asked staff for an update on Mr. Vitale's meeting with Tony Sauer of the Department of Rehabilitation (DOR). Chair Burks stated he will follow up with Mr. Sauer to ascertain DOR's training and education efforts for jurisdictions, and their development of transition plans and ADA coordinators.

c. CASp & Education Committee

Chair Burks stated there have been no additional activities to report.

d. Civil Enforcement Committee

Chair Burks stated staff is watching and will have additional information on two pieces of legislation that have important implications for this Committee.

5. GENERAL BUSINESS ITEMS

a. Media Protocol – Update

Chair Burks asked staff to inform all Commissioners that he and staff will be contacting other Commissions regarding their media protocol. The Department of Finance recommended contacting the Seismic Safety Commission due to the similarities of size and characteristics to this Commission.

Commissioner Navarro recommended the media protocol give very detailed guidelines and have only one spokesperson. She stated questions are asked on two levels – as a disabled consumer and as a CCDA Commissioner – which can be tricky for Commission members. The media protocol needs to be very clear.

Chair Burks asked staff to make his phone number available to all members of the Commission, in order to direct all media contacts to him as the Commission Chair. Commissioners have the right to speak on their own behalf, but need to make sure the reporter knows they are not speaking on behalf of the Commission.

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Staff Member Jemmott stated her concern that a Commissioner's personal comments may still be considered the opinion of the Commission as a whole. Chair Burks replied that it is each Commissioner's responsibility to clearly state, on the record, they are speaking as individuals.

Committee Member Richard referenced the fourth line of the media protocol draft about closing the file after speaking with the reporter. She recommended tracking the publication that comes out of the conversation. If the story is out of alignment with the Commission's views, it is an opportunity to follow up with the reporter, which will influence how the reporter writes about similar issues.

Committee Member Richard stated a Google Alert can be set to tag certain key words, such as the Commission's name, so that every time the key words appear in the media, Google will forward the article. There are other news clipping services available that are more expensive, but Google is a free and easy way to tag all online articles that mention the Commission so that media coverage can be managed proactively, instead of reactively.

b. CCDA Website – Update

Staff Member Jemmott stated the CCDA logo has been added to the website, the meeting tab has been updated to be easier to read, and a section is being set up to include photos of all Commissioners and staff.

c. Executive Director Recruitment – Update

Chair Burks stated there was confusion due to the Department of General Services' standard header in the announcement stating only existing or previous state employees can apply for the executive director position. This header is on all state employment applications but does not apply to exempt positions. The Commission is looking outside the state umbrella for applicants as well. Due to this confusion, the application process was extended to June 25th. There has been a significant response.

In response to Committee Member Richard's question, Chair Burks stated Crystal Tyler is separating the applications that meet the minimum qualifications. She will meet with CCDA's past chair and vice chair to review the qualified applications. Chair Burks anticipated the interview process will begin in July. Members of the Senate and Assembly, Commissioners, and ex-officio members of the Commission will have an opportunity to weigh in; then, the final candidate's information will be forwarded to the governor's office for approval.

Public Comment

Lindsay Scott-Florez, the Policy Consultant of the Senate Office of Research, asked if the new executive director is expected to be hired within a month and if there are plans to hire an interim executive director in the meantime. Chair Burks

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stated an executive director will be hired as soon as possible. The question of hiring an interim executive director has been discussed, and it was suggested that a retired annuitant may hold the interim position. Chair Burks spoke with the governor's office and learned the governor's desire is to remove retired annuitants from the candidacy. Chair Burks met yesterday with the Building Standards Commission to discuss the possibility of additional staff support.

d. August 2012 Full Commission Meeting – Update

Staff Member Jemmott stated a location has been secured for the full Commission meeting for Monday, August 20, 2012, at the Center for Healthy Communities, located on the bottom floor of the California Endowment's administrative offices, 1000 N. Alameda Street, Los Angeles, California 90012.

Chair Burks pointed out the date of the full Commission meeting has been moved from August 23 to August 20 due to securing this no-cost facility in Los Angeles. This information will be updated on the website. Although there is a desire to hold meetings both in Northern and Southern California, holding meetings in Southern California may be circumvented in the future due to budgetary constraints.

Commissioner Navarro agreed to coordinate with staff in reviewing hotels in the proximity for accessibility and cost.

e. Travel Expenditure Claim (TEC) Policy – Update

Staff Member Jemmott stated staff compared travel costs of Northern versus Southern California and found it is almost even, due to the number of assistants that travel to Northern California versus the staff that travels to Southern California. The difference comes in additional transportation costs. Staff compared using Travel Store, Cal Card, and American Express, and found there are opportunities to reduce costs by self-management. She stated staff is looking into putting everyone in one hotel and reducing the cost of transportation by securing a van. Staff is currently researching services such as assistant services.

Staff Member Jemmott reminded Commissioners that reimbursement amounts for tips, restaurants, trains, and taxis are regulated by the State. Even if the Commission manages the travel, these items are a separate cost and are part of the reimbursement process.

Commissioner Navarro stated, if Commissioners use Paratransit in Sacramento, they can transfer their paperwork to Los Angeles ahead of time and use their services, as a visitor, at a lower cost (\$2.25).

Chair Burks stated this Commission is comprised of representatives from both the business and disability communities and, as such, has unique characteristics. Those characteristics, in terms of committee processes, community

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representation, protocol for committee participation, and equal and effective communication, are not well understood. There are costs associated with those elements to further enhance and promote participation, such as captioning. As a Commission, it is important to follow State regulations. The State is familiar with the issues for accommodations for persons with disabilities, and Chair Burks stressed effective coordination with them in securing necessary accommodations based upon the diverse needs within the disability community.

Commissioner Luehrs stated there are a number of daily flights between Sacramento and Los Angeles. If the meeting starts after 10:00 a.m. and adjourns before 6:00 p.m., Commissioners can possibly attend the meeting and fly back home all in one day without overnight costs. He suggested sending an e-mail to Commissioners investigating this possibility.

Committee Member Richard stated the meeting location and proximity to the airport in Los Angeles will impact the feasibility for one-day trips.

Commissioner Luehrs asked if meetings must be held in a state building. Chair Burks said they do not, but the location must be accessible, available for public transit, and have the technology infrastructure to accommodate web broadcasting to allow people to participate by computer. As the model of accessibility compliance, Commission meetings should be as accessible as possible.

Commissioner Luehrs asked if staff has considered live-streaming capability. Chair Burks stated staff is looking into this for the full Commission meeting in August. Commissioner Luehrs stated the city council chambers provide live-streaming in Newport Beach; a new facility with even better capabilities will be completed in December.

Staff Member Jemmott stated there is a distinction between video linking and webcasting. A video link must already be connected with another location. For instance, the DSA buildings are linked to each other and are able to link the Los Angeles location to Sacramento. Consumer Affairs has webcasting without captioning. Although they are a state entity that does not comply with the service this Commission needs, they are willing to learn.

f. CCDA Commissioner Appointments – Update

Chair Burks stated there are three Commissioner appointments opened under the governor's appointments: two representatives of the disability community and one representative of the business community. Commissioners Pomerantz and Luehrs have submitted their applications for reappointment. The governor's office is working to fill the third appointment, which has long been vacant.

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There are also two business appointments opened, one in the Assembly and one in the Senate. Chair Burks and staff are working with the offices of Senators Corbett and Steinberg to fill that appointment.

Chair Burks asked staff to add a link on the CCDA website to the appointment websites of the Senate, Assembly, and governor's offices.

6. BUDGET UPDATE

Staff Member Jemmott stated, due to confusion about the budget, a change was made by request of the Commission Chair. The expenditures for this month now reflect the object codes in alignment with the State Accounting Department codes. For instance, instead of combining all travel expenses in one category, Commissioner travel is now under Consultant Professional Services. In the future, this line item will further be broken down to travel of Commissioners, captioning, and other external services and not combined in the category of travel of staff.

Chair Burks stated there was discussion in the last meeting about whether there was an adequate twelve-month budget in the personnel category. By aligning the object codes with the State Accounting Department codes, it gives a more realistic picture and shows that staff benefits are already over-extended by about ten percent. The realignment of object codes will clarify the current budget and facilitate the generation of future budgets.

7. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

a. SB 1186 – D. Steinberg / R. Dutton

Chair Burks stated the latest amendment, as of June 20th, is the removal of the thirty-day language from the Legislative Counsel Digest, on page 6, beginning with line 15, item C. Chair Burks has been brought into the ongoing discussions about this language as a result of a Letter of Watch he sent to Senators Steinberg and Dutton on May 3, 2012. The language, in terms of the demand letters for cash, has to be carefully crafted so that it does not interfere with other civil rights groups that have a right to demand.

Staff Member Jemmott stated Senate Bill (SB) 1186 is on the calendar for July 3, 2012, at 9:00 a.m. at the Capitol Room 4202 in the Senate Judiciary.

Committee Member Richard stated, when a bill goes to the governor, every legislator must have voted on it in exactly the form the governor receives. Once it leaves the house of origin, if it is amended in the second house, it always has to go back for concurrence with those amendments. The concurrent process is variable from the discussion on the floor and then the vote, to being pulled back and having a committee hearing about those amendments.

b. AB 2282 – B. Berryhill

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Chair Burks stated Assembly Bill (AB) 2282 was heard on the 26th and was rewritten. It puts significant elements of expectation on this Commission in terms of the definition of legal standing of who can file a claim. Chair Burks has discussed with the Department of Finance that this bill adds to the Commission's legal responsibility. He has made it clear that the Commission would require augmentation of funds to do the necessary research in order to make recommendations back to the Legislature. Chair Burks stated he shared the concern on behalf of the Commission that this would take extensive legal research due to its far-reaching implications in the way the language is currently written.

Chair Burks thanked staff, Senator Corbett, and her staff for their assistance. He stated there is collaboration, cooperation, and partnering with Senator Steinberg's office, Assembly representatives, and the business community in coming together to address this. He expressed his appreciation to all parties' participation.

8. FUTURE AGENDA ITEMS

Chair Burks asked that all future agenda items be sent to Lavonia Wade. The next Executive Committee meeting will be held at 12:00 p.m. on July 19, 2012.

9. ADJOURN

Chair Burks adjourned the meeting at 2:04 p.m.